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10/798,920	03/11/2004	Amanda Elizabeth Chessell	GB920030048US1	7017
35525 7590 07/09/2010 IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380				
EXAMINER				
LIE, ANGELA M				
ART UNIT		PAPER NUMBER		
2163				
NOTIFICATION DATE		DELIVERY MODE		
07/09/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ptonotifs@yeciplay.com

Office Action Summary

Application No.

10/798,920

Applicant(s)

CHESSELL ET AL.

Examiner

ANGELA M. LIE

Art Unit

2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 May 2010.
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-64 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-64 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/GS/US)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-4, 11, 17-20, 27, 33-36, 43, 49-52 and 59 are rejected under 35 U.S.C. 102(b) as being anticipated by Dialog Pocket Guide (copy attached along with the BPAI decision) hereinafter referred to as Guide.**

3. **With respect to claims 1, 17, 33 and 49,** Guide discloses a method for extracting data from a data store comprising a first set of one or more data items, the method comprising the steps of: creating a profile of the data store, the profile comprising a profile rule defining a profile set (pages 3-11, wherein selection rule “is a logical rule which describes the data items in the data store and can be a term, a term with proximity operators, terms with indexes, range searching, numeric searching ...”, for instance on page 45, term “disposable(w)diaper?” constitutes first set), wherein the profile set comprises a second set of one or more data items existing within the data store in accordance with the profile rule (page 45, term “market(2n)share” constitutes second set); receiving a query of whether a third set of one or more data items is present within the data store (page 45, wherein “S1 AND S2” represents a query); responsive to receiving the query, creating a selected set comprising a third set of one or more data items in accordance with a selection rule (page 45, “S1 AND S2” which

contains 420 items); responsive to a determination that an intersection of the selected set and the profile set is non-empty (if "S1 AND S2" i.e. S3 is not zero), extracting a fourth set of one or more data items from the data store in accordance with the selection rule (page 45, step 5 at the bottom of the page wherein set S3 (i.e. the content of the intersection) is returned to a user); and responsive to a determination that the intersection of the selected set and the profile set is empty, providing an indication that the data store does not include data items in the selected set.

4. **As to claims 2, 18, 34 and 50.** Guide discloses a method wherein the first set of one or more data items includes numeric data (pages 9 and 10, i.e. range and numeric searches are for searching numeric data).

5. **As to claims 3, 19, 35 and 51.** Guide discloses a method wherein the first set of one or more data items includes string data (page 45, wherein key words such as "disposable" or "diapers" represent string data).

6. **As to claims 4, 20, 36 and 52.** Guide discloses a method wherein the first set of one or more data items includes data information (pages 9, 10 and 45, wherein both string and numerical data are examples of data information).

As to claims 11, 27, 43 and 59. Guide discloses a method wherein the data store includes an input/output software library (wherein Dialog is an input/output interface for searching for results (i.e. software library)).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 5-7, 21-23, 37-39 and 53-55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guide in view of Asherman (US Patent No. 6738775).

9. Guide teaches all the limitations disclosed in claims 1, 17, 33 and 49, however it does not explicitly teach the first data set comprising graphical, sound or video data. On the other hand Asherman teaches a database communication system wherein the database supports all those types of data (column 7, lines 61 and 62 and column 11, lines 24-29). It would have been obvious to one of the ordinary skill in the art during the time the invention was made to store any or all of the above listed file formats in the database, because all those file type are very well known in the art and there often is a need for storing those file in well organized data set (database).

10. Claims 8-10, 12-15, 24-26, 28-31, 40-42, 44-47, 56-58 and 60-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guide in view of Siefert (US Publication No. 2002/0194179).

Guide teaches all the limitations disclosed in claims 1, 17, 33 and 49 respectively, however Guide does not explicitly teach the data store including: a relational database, a hierarchical database, an object oriented database, a disk storage device, a plurality of disk storage devices including a redundant array of independent disk (RAID) and a random access memory (RAM). On the other hand Siefert teaches a systems utilizing all of the above listed types of data store (paragraphs [0014] (relational DB), [0058] (object oriented DB), [0317] (disk array), Figure 1 (profile

and resource relationship, i.e. hierarchy) and Figure 1D, wherein server machine includes RAM). It would have been obvious to one of ordinary skill in the art at the time the invention was made combine data stores such as taught by Siefert with method of searching disclosed in the Guide, because the searching method taught in the Guide is for searching database comprising plurality of records with various inter-data relationships, and data stores types such as relational database, or object oriented database are commonly used and very well known in the art. Furthermore, RAID arrangement is also a reliable hardware set up which allows to for data back-up, hence preventing possible data lost.

11. **Claims 16, 32, 48 and 64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guide in the view of Jiang et al (US Patent No. 6385641).** Guide discloses all the limitations disclosed in claims 1, 17, 33 and 49 respectively, however it does not explicitly teach that the creating profile step takes place when the data store is idle. On the other hand, Jinag teaches prefetching data when network link and files are in idle state (column 1, lines 47-55). It would have been obvious to one of the ordinary skill in the art during the time the invention was made to create profile while the files are in idle state similarly to the teaching by Jinag, because this would allow to utilize the stored file without additional burden on those who attempt to access files, i.e. if more than one task would be performed at the same time, this could slow down file access time and in some situation could lead to overload.

Response to Arguments

12. Applicant's arguments filed May 7, 2010 have been fully considered but they are not persuasive.

13. *On page 12, the Applicant contends "Amended claim 1 further defines how a profile rule is created, and how the selection rule is created, thus distinguishing two rules. Thus, as a matter of claim interpretation, the Applicants submit that Dialog, and the Board's explanation, no longer anticipate, or alternatively no longer make obvious, amended claim 1".*

14. The Examiner disagrees with the above assertion. While claim language now discloses additional set being formed (i.e. third set), the distinction between the profile and selection rules still does not appear to exist. In particular according to Dialog profile rule describes the elements currently present in database, for instance data containing information about diapers (see page 45), and selection rule could be equated to query S3 which allows to select intersection between S1 and S2.

15. Moreover, the Examiner would like to note, that third and fourth sets are both created in accordance with a selection rule, hence there is no difference between those two sets, at least there is no difference noted in a current claim language.

16. In conclusion, the Examiner does not find the Applicant's arguments persuasive. In particular, the Examiner contends that, neither distinction between profile and selection rules has been clearly drawn in the amended claims, nor description of what such a selection or profile rule should consist of. In contrast, current claim language discloses that profile and selection rules are used to create data sets. Such a language

is considered relatively vague, because it just simply suggests that the data is sorted and grouped into sets based on a specified criteria which in this case could be represented by profile or selection rule. In order to differentiate over the prior art, the Applicant shall draw clear distinction and possibly include language that would clarify what such rules contain or how they are created.

Conclusion

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Inquiry

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANGELA M. LIE whose telephone number is (571)272-8445. The examiner can normally be reached on M-F.
20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Don Wong can be reached on 571-272-1834. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.
21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Angela M Lie/
Examiner, Art Unit 2163

/don wong/

Supervisory Patent Examiner, Art Unit 2163